

**REMARKS**Claim rejection – 35 U.S.C. § 101

Applicants have amended claim 19 as suggested by the Examiner to overcome the objection to form of claim 19 under 35 U.S.C. § 101. Applicants submit that this claim change is not related to patentability and the scope of the claims has not changed.

Claim rejection – 35 U.S.C. § 102

Independent claim 1 stands rejected as anticipated by Sorvari. *Office Action*, p. 3. Applicants respectfully traverse this rejection. Sorvari does not include each feature of independent claim 1. For example, Sorvari fails to disclose or suggest a menu locator indicating a location of a current menu within a multi-level menu structure, where the menu locator includes a first indicator of a position within a first level of the multi-level menu structure and includes a second indicator of a position within a second level of the multi-level menu structure. Sorvari does not disclose this feature of claim 1.

Claims 2-9 also stand rejected as anticipated by Sorvari. *Office Action*, p. 7-9. Claims 2-9 depend from claim 1. Since Sorvari does not disclose each feature of claim 1, it also does not disclose each feature of claims 2-9. Claims 2-9 are therefore allowable, at least in light of their dependence from claim 1.

Independent claim 10 stands rejected as anticipated by Sorvari. *Office Action*, p. 5. Applicants respectfully submit that Sorvari does not include each feature of independent claim 10. For example, Sorvari fails to disclose or suggest displaying the available menu option in the determined appropriate menu location in a first mode of operation when a metric-based menu display setting is selected and displaying the available menu option in a preset menu location in a second mode of operation when a preset display setting is selected. Sorvari does not disclose this feature of claim 10. The Office Action asserts that Sorvari discloses short cuts and menu structures that are predefined and generated at Figures 3, 9A-9J, and paragraphs [0053], [0076], and [0237] – [0261]. *Office Action*, p. 5. Applicants respectfully submit that even if Sorvari does

disclose short cuts and menu structures that are predefined and generated, Sorvari does not disclose or suggest the above cited features of claim 10. Merely disclosing that certain short cuts or predefined and generated menu structures exist does not disclose or suggest displaying the available menu option in the determined appropriate menu location in a first mode of operation when a metric-based menu display setting is selected and displaying the available menu option in a preset menu location in a second mode of operation when a preset display setting is selected, as recited in claim 10.

Claims 11-14 depend from claim 10. Since Sorvari does not disclose each feature of claim 10, it also does not disclose each feature of claims 11-14. In addition, the dependent claims include further features not found in Sorvari. For example, Sorvari fails to disclose or suggest that a user can select between the first mode of operation and the second mode of operation, as in claim 11. Claims 11-14 are therefore allowable, at least in light of their dependence from claim 10.

Sorvari fails to disclose or suggest the specific combination of claim 19. For example, Sorvari fails to disclose or suggest display of a menu including the at least one selected item in the assigned menu position when the user display preference setting includes a selection of a metrics-based display and to display a menu including the at least one selected item in a preset menu position when the user display preference setting includes a selection of a preset display. The Office Action asserts that Sorvari discloses short cuts and menu structures that are predefined and generated at Figures 3, 9A-9J, and paragraphs [0053], [0076], and [0237] – [0261]. *Office Action*, p. 6. Applicants respectfully submit that even if Sorvari does disclose short cuts and menu structures that are predefined and generated, Sorvari does not disclose or suggest the above cited features of claim 19. Merely disclosing that certain short cuts or predefined and generated menu structures exist does not disclose or suggest display of a menu including the at least one selected item in the assigned menu position when the user display preference setting includes a selection of a metrics-based display and to display a menu including the at least one selected item in a preset menu position when the user display preference setting includes a selection of a preset display, as in claim 19.

Claim 20 depends from claim 19. Since Sorvari does not disclose each feature of claim 19, it also does not disclose each feature of claim 20. Claim 20 is therefore allowable, at least in light of its dependence from claim 19.

Applicants have added new claims 21-24. New claims 21-24 are dependent claims and are allowable for at least the same reasons as stated above for their respective independent claims. In addition, Applicants submit that the new claims include further features not found in Sorvari. For example, Sorvari does not disclose or suggest that the display engine initiates presentation of the menu according to a menu address entered utilizing the user input mechanism, as recited in claim 21, and Sorvari does not disclose or suggest that the mapping engine modifies the assigned menu position for the at least one selectable item in near real-time or after the wireless-enabled device has been restarted, as recited in claim 22. Additionally, Sorvari does not disclose or suggest that the priority engine determines the prioritization level for the at least one selectable item based on different weights assigned to each of a plurality of selection metrics, wherein the plurality of selection metrics include frequency of selection, timing of selection, preceding selection, following selection, or any combination thereof, as recited in claim 23. Further, Sorvari does not disclose or suggest that the user can toggle between the first mode of operation and the second mode of operation, wherein the preset display setting of the second mode of operation is associated with one of a factory setting or a manually customized setting, as recited in claim 24.

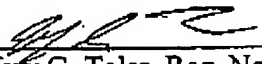
Claims 21-24 are therefore allowable. Accordingly, all of the pending claims are in condition for allowance and reconsideration is respectfully requested.

Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon cited references, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. Applicants' failure to challenge any cited reference as prior art should not be construed as an admission by the Applicants that the unchallenged reference does constitute prior art.

Applicants do not believe that any additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date

  
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